

REMARKS

Claims 1-10 and 13-23 are pending in this application. By this Amendment, claims 1 and 13 are amended and claims 11-12 and 24-26 are canceled without prejudice to or disclaimer of the subject matter disclosed therein. Reconsideration of the application is respectfully requested.

Applicants appreciate the courtesies extended to Applicant's representative by Examiner Rodriguez at the interview held August 25, 2004. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

Applicants thank the Examiner for the indication that claims 16-23 are allowed.

The Office Action rejects claim 13 under 35 U.S.C. §112, second paragraph. Claim 13 is amended to obviate the rejection. Moreover, Applicants assert that claim 1, from which claim 13 depends, defines a light emitting region that can include more than one light emitting surfaces. As such, there is antecedent basis for "the light emitting surfaces" in claim 13. Accordingly, withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is respectfully requested. Support for this feature can be found in the specification at, for example, page 16, lines 6-12.

The Office Action rejects claims 1, 6-9 and 13 under 35 U.S.C. §102(e) over Ostergaard et al. (U.S. Patent No. 6,683,898); and claims 2-5, 10 and 14-15 under 35 U.S.C. §103(a) over Ostergaard in view of Shieh et al. (U.S. Patent No. 5,293,392). These rejections are respectfully traversed.

The Examiner agreed that neither Ostergaard nor Shieh disclose or suggest a surface emitting semiconductor laser, wherein the light emitting region includes at least a boundary region introducing an optical loss, as recited in independent claim 1. Accordingly, Ostergaard fails to disclose each and every feature of independent claim 1.

The Examiner also agreed that Shieh fails to cure deficiencies in Ostergaard in disclosing or rendering obvious the features of claims 2-5, 10 and 14-15, including the limitations of independent claim 1. Thus, claim 1 and its dependent claims define patentable subject matter.

As such, because it would not have been obvious to combine the applied references to arrive at the claimed invention, claims 1-10 and 13-23 are patentable over the applied references. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a) be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-10 and 13-23 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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